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REMARKS

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Claims 1-5 are all the claims pending in the application.

I.   Title

The Examiner has objected to the title as not being descriptive. The Applicant hereby

amends the title and requests the objection to be withdrawn.

II.   Claim Rejections under 35 U.S.C. § 112

Claim 3 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which Applicant regards as

the invention. Applicant amends claim 3 as shown above to overcome the Examiner's assertion

of indefiniteness and requests the rejection to be withdrawn.

III.   Claim Rejections under 35 U.S.C. § 102

Claims 1, 2, 4 and 5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by

Gernert et al. (U.S. Patent No. 6,694,366), hereinafter "Gernert."

Applicant respectfully traverses the rejection and requests that it be withdrawn in

consideration of the following comments.

Regarding claim 1, Applicant submits that Gernert does not disclose all of the claimed

features. For example, Gernert does not disclose an "update condition" or an "update condition

holding means" for each data type in the mobile computer device. The Examiner asserts that

Col. 1, lines 13-17 of the reference discloses these features of the claim, but Applicant disagrees. The cited portion of the reference merely describes the field of the referenced invention. In particular, Col. 1, lines 13-17 states that the referenced invention relates to "data formatting, data base updating, synchronization and reconciliation between a host or server computer and mobile data collection terminals." However, the cited portion of the reference does not disclose the update condition features found in the claim.

Further regarding claim 1, the Examiner contends that Gernert discloses a "transmitting means for transmitting each of the data signals stored in said second storage device at a timing corresponding (Col 7 line 64 - Col 7 [sic] line 1) to an update condition held in said update condition holding means for each of the data types (Col 8 lines 5-10)." Applicant respectfully disagrees with this contention. These portions of the reference do not disclose an update condition, an update condition related to a particular data type, or an update condition holding means; rather, these portions describe the steps taken in the event of impeded communications between the mobile terminal and the current access point (Col. 7, lines 46, 49-50; figure 7, item 144). In such an event, new data are stored locally on the mobile computer terminal (Col. 7, lines 61-64). Once the mobile computer terminal determines that communications have been reestablished, it unconditionally and without regard to data type transmits all stored data to the host computer (Col. 8, lines 5-10; figure 7, item 152). Gernert discloses that all data is transmitted from the mobile computer terminal to the host computer "as soon as it receives it" and without regard to data type whenever communications are unimpeded (Col 7 lines 36-39), whereas claim 1 features "transmitting each of the data signals ... at a timing corresponding to an update condition ... for each of the data types."

The Examiner may have relied on Gernert's teaching of the mobile computer terminal's storing of "freshness data" in the event of impeded communications (Col. 7, line 64 - Col. 8, line 1) as an update condition. However, this freshness data is not an update condition, an update condition related to a particular data type, nor an update condition holding means. As discussed above, Gernert discloses that all data are transmitted unconditionally whenever communications are unimpeded. Thus in Gernert, the network is burdened with carrying and the host computer is burdened with receiving all data, without regard to freshness, up-to-dateness, or data type. Further, the host computer in Gernert must determine whether the data received from the mobile computer are to be updated to the database (Col. 8, lines 11-14). This is distinguished from Applicant's claim wherein the mobile communications device is "transmitting each of the data signals stored in said second storage device at a timing corresponding to an update condition for each of the data types."

As to claim 2, the Examiner asserts that Gernert discloses "wherein said update condition holding means holds an update cycle for each of the data types as the update condition (Col 8 lines 5-10)." Applicant respectfully disagrees, incorporates with regard to claim 2, all of the discussion in the preceding paragraphs regarding claim 1, and comments further as follows. Gernert does not disclose the use of an update cycle or an update cycle for each of the data types. The only cycle disclosed by Gernert is that of cyclically determining whether communications between the mobile computer terminal and an access point have been impeded (see the cycles illustrated in figure 7, items 142, 144 and items 146, 148, and 150). The cited portion of the reference teaches that all data are transmitted from the mobile computer terminal to the host computer without regard to an "update cycle for each of the data types" as in claim 2.

With regard to claim 4, the Examiner asserts that Gernert teaches an "update condition for each of the data types (Col 1 lines 13-17)" and "transmitting each of the data signals stored in said second storage device at a timing corresponding (Col 7 line 64 - Col 7 [sic] line 1) to an update condition held for each of the data types (Col 8 lines 5-10)." Applicant submits that Gernert does not disclose all of the features of the claim and incorporates, with regard to claim 4, all of the discussions in the preceding paragraphs regarding claims 1 and 2 to the extent that the same portions of Gernert are cited and discussed. To summarize these paragraphs, Gernert discloses that data are to be transmitted from the mobile computer terminal unconditionally and without regard to data type or a timing corresponding to a data type whenever communications are unimpeded. On the other hand, claim 4 features an update condition for each data type and transmission of data according to type of data and that type's update condition.

With regard to claim 5, the Examiner asserts that Gernert teaches an "update condition holding means for previously holding an update condition for each of the data types (Col 1 lines 13-17)" and "transmitting means for transmitting each of the data signals stored in said second storage device at a timing corresponding (Col 7 line 64 - Col 7 [sic] line 1) to an update condition held in said update condition holding means for each of the data types (Col 8 lines 5-10)." Applicant submits that Gernert does not disclose all of the features of claim 5 for reasons similar to those presented in regard claim 4.
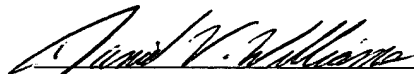
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111   Attorney Docket No. Q66369
Application No. 09/961,280

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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